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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,693	08/28/2001	Masahiko Yamada	Q65985	4453
7590	08/23/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			ALAVI, AMIR	
			ART UNIT	PAPER NUMBER
			2621	
			DATE MAILED: 08/23/2004	
				3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,693	YAMADA, MASAHIKO
Examiner	Art Unit	
Amir Alavi	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 August 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,6,7,9,10 and 12-16 is/are rejected.
- 7) Claim(s) 3-5,8,11 and 17-19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### **Priority**

- Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Claim Objections**

- Claims 13-14 are objected to under 37 CFR 1.75(c) as being improper multiple dependent claims, because they fail to refer to all parent claims clearly in the alternative. See MPEP § 608.01(n). Accordingly, the claims 13-14 have not been further treated on the merits.
- Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiply-dependent claim. See MPEP § 608.01(n).
- Claim 14 is objected to because of the following informalities: wherein it refers to a decompression system as defined in claim 12, however, claim 12, is an apparatus claim; by the same token, wherein referring to an apparatus defined in claim 13, however, claim 13 is a system claim.
- Appropriate correction is required.

## **Claim Rejections - 35 USC § 101**

- 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Claims 15-19 are directed to non-statutory subject matter. A program to cause a computer to execute an image..."
- These claims are non-statutory because the terminology "A program to cause a computer to execute an image" alone has no set definition; in this regard, as recited in MPEP 2106, computer-related inventions are either nonfunctional descriptive material or functional descriptive material, computer programs fall into the second category, wherein, descriptions or expressions of the programs, are not physical things, they are neither computer components nor statutory processes, as they are not acts being performed, such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized and are only statutory when recited as being embodied in a computer-readable storage medium.

## Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claims 1-2, 6-7, 9-10, 12 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Asai et al. (USPN 5,841,935).

Regarding claim 1, Asai et al., disclose, adding new compression information regarding new compression processing to the compression information in the case where the compression information has already been added to the image data (Please note, figure 2, in correlation to column 5, lines 45-58. As indicated the color frame information adding part 6 forms compression data, that is, compression information, S6 by adding this color frame information signal S3 to the compressed data S5 to send the

compressed data to the error code adding part 7. It is to be noted that in figure 2, the processes from S1 to S4, are continuous MPEG video processes, that is, new information are continuously being added)

Regarding claim 2, Asai et al., disclose, controlling a degree of compression of the image data based on the compression information when the image data having the compression information are compressed (Please note, figure 2, in correlation to column 5, lines 59-67 and column 6, lines 1-5. As indicated the color frame information delaying part 12 delays the color frame information signal S7 by the time necessary for the decoding by the Mpeg decoder 10 to output the color frame information signal S7 having the phase in which the time necessary for the decoding process is compensated. In this regard it's clear that the delaying part 12 controls the compression processing).

Regarding claims 6-7, arguments analogous to those presented for claims 1-2, respectively, are applicable.

Regarding claim 9-10, Asai et al., disclose, decompression means for decompressing the compressed image data, based on the compression information added to the compressed image data (Please note, figure 2, in correlation to column 6, lines 15-25. As indicated the sequence information is outputted to the reproduced image data in the form of color

frame information in the video index, this reproducing being indicative of a decompression state).

Regarding claim 12, Asai et al., disclose, displaying the compression information together with an image represented by the decompressed image data (Please note, column 6, lines 15-17. As indicated the component SD1 signal S8 to which the color frame information signal S7 is added is converted into a NTSC composite signal S9 by the NTSC encoder 14 to be output thereafter, this output indicative of a display system).

Regarding claims 15-16, arguments analogous to those presented for claims 1-2, respectively, are applicable.

## **Allowable Subject Matter**

- Claims 3-4, 8, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- Claims 5 and 18-19 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: None of the prior art disclose or fairly suggest wherein, judging, from the compression information already added to the image data and the newly added compression information, a degree of quality degradation of the image data after the compression and issuing a warning in the case where the degree of quality degradation reaches a predetermined level or higher.

### **Other prior art cited**

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ibaraki et al. (USPN 6,577,813 B1) is pertinent as teaching packet compressing means which receives input data comprising plural packets having identifiers as an input.

Shimada et al. (USPN 5,978,544) is pertinent as teaching video compression coding apparatus and video compression recording/playback apparatus.

Schulz et al. (USPN 6,549,995 B1) is pertinent as teaching compressor system memory organization and method for low latency access to uncompressed memory regions.

Fujii et al. (USPN 5,911,033) is pertinent as teaching digital video signal recording apparatus using variable-length coding.

Seto (USPN 5,953,488) is pertinent as teaching method of and system for recording image information and method of and system for encoding image information.

Asai et al. (USPN 6,040,862) is pertinent as teaching coding method and recording and reproducing apparatus.

## Contact Information

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913.
- The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

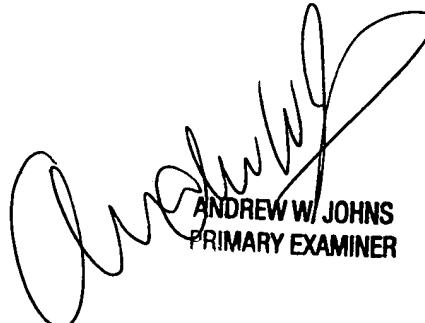
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, ("draft" or "informal" communications should be clearly labeled to expedite delivery to Examiner)

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application should be directed to the T.C. Customer Service Office whose telephone number is (703) 306-0377.

AA  
Group Art Unit 2621  
11 August 2004



ANDREW W. JOHNS  
PRIMARY EXAMINER